

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 05-30019-MAP
	)	
JUAN PAGAN,	)	
Defendant.	)	

**MOTION FOR FINAL ORDER OF FORFEITURE**

The United States of America, by its Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Final Order of Forfeiture in the above-captioned case, pursuant Title 21, United States Code, Section 853, and Rule 32.2(b) of the Federal Rules of Criminal Procedure. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On May 8, 2006, a two-count Information was filed charging Defendant Juan Pagan (the "Defendant") with Possession with Intent to Distribute Cocaine and Cocaine Base, in violation of 21 U.S.C. § 841(a)(1).

2. The Information also sought the forfeiture, as a result of committing the offenses alleged in Counts One and Two of the Information, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or

to facilitate the commission of, such violations, including, but not limited to \$10,010.00 in United States currency, seized on July 7, 2005, from 168 Fox Hill Lane, Apartment 115, Enfield, Connecticut (the "Currency").

3. The Information further provided that, if the property described in the Forfeiture Allegation, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the property, pursuant to 21 U.S.C. § 853(p).

4. On May 8, 2006, at a Waiver of Indictment and Plea to Information hearing, the Defendant pled guilty to Counts One and Two of the Information.

5. On September 7, 2006, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Currency.

6. On October 10, 2006, October 17, 2006, and October 24, 2006, a Notice of Order of Forfeiture was published in the Springfield Republican newspaper pursuant to 21 U.S.C. § 853(n).

7. To date, no claims of interest in the Currency have been filed with the Court and the time within which to do so has expired.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture against the Currency in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BY: /s/ Kristina E. Barclay  
TODD E. NEWHOUSE  
KRISTINA E. BARCLAY  
Assistant U.S. Attorneys  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Date: October 10, 2007

**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Motion for Final Order of Forfeiture and the proposed Final Order of Forfeiture, filed through the Electronic Case Filing system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Kristina E. Barclay  
Kristina E. Barclay  
Assistant U.S. Attorney

Date: October 10, 2007

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DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
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v.	)	Criminal No. 05-30019-MAP
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JUAN PAGAN,	)	
Defendant.	)	

**FINAL ORDER OF FORFEITURE**

**PONSOR, D.J.,**

WHEREAS, on May 8, 2006, a two-count Information was filed charging Defendant Juan Pagan (the "Defendant") with Possession with Intent to Distribute Cocaine and Cocaine Base, in violation of 21 U.S.C. § 841(a)(1);

WHEREAS, the Information also sought the forfeiture, as a result of committing the offenses alleged in Counts One and Two of the Information, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, including, but not limited to \$10,010.00 in United States currency, seized on July 7, 2005, from 168 Fox Hill Lane, Apartment 115, Enfield, Connecticut (the "Currency");

WHEREAS, the Information further provided that, if the property described in the Forfeiture Allegation, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold

to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the property, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on May 8, 2006, at a Waiver of Indictment and Plea to Information hearing, the Defendant pled guilty to Counts One and Two of the Information;

WHEREAS, September 7, 2006, this Court issued a Preliminary Order of Forfeiture, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, against the Currency;

WHEREAS, on October 10, 2006, October 17, 2006, and October 24, 2006, a Notice of Order of Forfeiture was published in the Springfield Republican newspaper pursuant to 21 U.S.C. § 853(n); and

WHEREAS, to date, no other claims of interest in the Currency have been filed with the Court and the time within which to do so has expired.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the

forfeiture of all right, title or interest in the Currency, and it is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. All other parties, having any right, title, or interest in the Currency, are hereby held in default.

4. The United States Marshals Service is hereby authorized to dispose of the Currency in accordance with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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MICHAEL A. PONSOR  
United States District Judge

Dated: